

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

United States of America,

Criminal No. 20-cr-129 (NEB/HB)

Plaintiff,

v.

**ARRAIGNMENT NOTICE AND
SCHEDULING ORDER**

Samuel Elliott Frey (1),

McKenzy Ann DeGidio Dunn (2),

Defendants.

PLEASE TAKE NOTICE that an arraignment hearing on the Superseding Indictment will be held before the undersigned United States Magistrate Judge on **September 14, 2020, at 10:00 a.m.**, by ZOOMGOV video technology.

Pursuant to Local Rule 12.1 (copy attached), IT IS HEREBY ORDERED

that:

1. The government shall make all disclosures required by Federal Rule of Criminal Procedure 16(a) by **August 4, 2020**. D. Minn. LR 12.1(a)(1). In order to avoid the need for a recess of the motions hearing, the government is requested to make, by **August 4, 2020**, all disclosures which will be required by Fed. R. Crim. P. 26.2 and 12(h).
2. Defendant shall make all disclosures required by Federal Rule of Criminal Procedure 16(b) by **August 11, 2020**. D. Minn. LR 12.1(a)(2).

3. All motions in the above-entitled case shall be filed and served consistent with Federal Rules of Criminal Procedure 12(b) and 47 on or before **August 18, 2020**.¹

D. Minn. LR 12.1(c)(1).

4. **Counsel shall electronically file a letter on or before August 18, 2020, if no motions will be filed and there is no need for hearing.**

5. Each Defendant must file a consent that any evidentiary hearing on the motions may proceed by video means, or a notice that Defendant does not so consent, as soon as possible, but in any event no later than **August 18, 2020**. Any delay in filing the notice regarding consent could result in a postponement of the hearing.

6. All responses to motions shall be filed by **September 1, 2020**. D. Minn. LR 12.1(c)(2).

7. Any Notice of Intent to Call Witnesses² shall be filed by **September 1, 2020**. D. Minn. LR. 12.1(c)(3)(A).

8. Any Responsive Notice of Intent to Call Witnesses³ shall be filed by **September 4, 2020**. D. Minn. LR 12.1(c)(3)(B).

¹ “Before filing a motion under Fed. R. Crim. P. 12(b), the moving party must confer with the responding party. The parties must attempt in good faith to clarify and narrow the issues in dispute.” D. Minn. LR 12.1(b).

² “When a party intends to call witnesses at a hearing on a motion under Fed. R. Crim. P. 12(b), the party must file a notice within 35 days after the arraignment. The notice must identify the number of witnesses whom the party intends to call, the motion or motions that each witness will be addressing, and the estimated duration of each witness’s testimony.” D. Minn. LR 12.1(c)(3)(A).

³ “If after reviewing a notice under LR 12(c)(3), a party intends to call witnesses at the same hearing, that party must file a responsive notice within 38 days after the arraignment. The responsive party must identify the number of witnesses whom the party intends to call, the motion or motions each witness will be addressing, and the estimated duration of each witness’s testimony.” D. Minn. LR 12.1(c)(3)(B).

9. A motions hearing will be held pursuant to Federal Rules of Criminal

Procedure 12(c) where:

- a. The government makes timely disclosures and Defendant identifies in the motions particularized matters for which an evidentiary hearing is necessary; or
- b. Oral argument is requested by either party in its motion, objection or response.

10. If required *and if each Defendant consents to proceed by video means*, the motions hearing shall be heard before Magistrate Judge Hildy Bowbeer on **September 14, 2020**, at **10:00 a.m.**, by ZOOMGOV video technology. D. Minn. LR 12.1(d). If either defendant declines to proceed by video means, both the arraignment and motion hearing will reschedule to a date and time to be determined when an in-person hearing can be conducted.

11. **TRIAL:**

a. **IF NO PRETRIAL MOTIONS ARE FILED BY DEFENDANT**, the following trial and trial-related dates are:

- i. Voir Dire and Jury Instructions shall be filed with District Judge Nancy E. Brasel's chambers on or before **September 14, 2020**.
- ii. Trial will commence before District Judge Nancy E. Brasel **at 9:00 a.m. on September 28, 2020**, in Courtroom 3A, Warren E. Burger Federal Building and U.S. Courthouse, 316 North Robert Street, Saint Paul, Minnesota.

b. **IF PRETRIAL MOTIONS ARE FILED**, the trial date, and other related dates, will be rescheduled following the ruling on pretrial motions. Counsel must

contact the Courtroom Deputy for District Judge Nancy E. Brasel to confirm the new trial date.

Dated: July 31, 2020

s/ *Hildy Bowbeer*

HILDY BOWBEER

United States Magistrate Judge